

**5 NOVEMBER 1993**



**Law**

**CIVIL LAW FOR INDIVIDUALS**

---

**NOTICE:** This publication is available digitally on the SAF/AAD WWW site at: <http://afpubs.hq.af.mil>. If you lack access, contact your Publishing Distribution Office (PDO).

---

OPR: HQ USAF/JAG  
(Lt Col C. Cheatham)

Certified by: HQ USAF/JA  
(Maj Gen Nolan Sklute)

Pages: 7  
Distribution: F

1. Air Force personnel must be aware that certain activities are prohibited by law or policy. To maintain good order and discipline, installation commanders must be informed of the legal basis for restricting activities of individuals. Commanders must be aware of their responsibilities for complaints made under the Uniform Code of Military Justice (UCMJ). This directive establishes policies for identifying prohibited activities, states the legal basis for those prohibitions and for restrictions which may be imposed by installation commanders, provides for prosecution of civilians for misdemeanors committed on Air Force installations, and requires timely and equitable consideration of Article 138, UCMJ complaints.
2. The US Constitution prohibits any person holding any office of profit or trust under the United States from accepting gifts from foreign governments without the consent of the Congress. Air Force military and civilian personnel (including experts and consultants and their dependents) must not accept gifts from foreign governments except as authorized by Title 5, United States Code, Section 7342, and according to instructions implementing this directive (AFI 51-901, *Gifts From Foreign Governments*).
3. The Air Force must maintain political neutrality. Air Force members on active duty, including members of the Air Force Reserve on active duty or active duty for training and members of the Air National Guard when federalized, must not engage in political activities on or off duty that are prohibited by Federal law or by instructions implementing this directive (AFI 51-902, *Political Activities by Members of the US Air Force*).
4. Demonstrations or other activities within an Air Force installation which could result in interfering with or preventing the orderly accomplishment of the installation mission or which present a clear danger to loyalty, discipline, or morale of members of the Armed Forces are prohibited.
  - 4.1. Distribution or posting of printed or written materials on Air Force installations is prohibited without prior approval of the installation commander.
  - 4.2. Air Force members must not participate in demonstrations when they are on duty, when they are in a foreign country, when they are in uniform, when their activities constitute a breach of law and order, or when violence is likely to result.

4.3. Air Force members must not actively participate in organizations that support supremacist causes or that attempt to create illegal discrimination based on race, creed, color, sex, religion, national origin, or ethnic group and will not actively participate in organizations which advocate the use of force or violence or otherwise engaging in efforts to deprive individuals of their civil rights. Mere membership in these organizations is not prohibited.

5. All Air Force personnel must comply with the provisions of Title 10, United States Code, Section 976, and must not engage in negotiation, collective bargaining, or other representational or organizational activities prohibited by law or by instructions implementing this directive (AFI 51-906, *Representational and Organizational Activities of Military Personnel*).

6. Civilians who commit misdemeanor violations of Federal law on military reservations under Air Force control in the United States or Puerto Rico may be tried before a US Magistrate according to the Federal law and instructions implementing this directive (AFI 51-905, *Use of Magistrates for Trial of Misdemeanors Committed by Civilians*). Active duty Air Force members shall not be so tried; rather appropriate action will be taken by military commanders.

7. Air Force commanders must act on Article 138, UCMJ, complaints submitted by Air Force members, grant redress where warranted, and process such complaints according to instructions implementing this directive (AFI 51-904, *Complaints of Wrongs Under Article 138, Uniform Code of Military Justice*). This paragraph does not apply to Air National Guard units and members, unless called into Federal service.

8. The Judge Advocate General, Headquarters US Air Force, shall be responsible for interpreting this directive and its implementing instructions.

9. The prohibitions and restrictions on individual activities apply to military and civilian Air Force personnel, including the Air Force Reserve and Air National Guard when federalized, and may also apply to the activities of other individuals present on Air Force installations. Violations of specific prohibitions and requirements of this directive or its implementing instructions by military personnel may result in punishment under Article 92 of the UCMJ. Violations by civilian employees may result in administrative disciplinary action without regard to otherwise applicable criminal or civil sanctions for violation of related laws.

10. Measures of compliance are described and displayed in **Attachment 1**.

11. Related laws and Department of Defense (DoD) directives are listed in **Attachment 2**.

12. Implementing Air Force Instructions (AFI) are listed in **Attachment 3**.

NOLAN SKLUTE, Maj General, USAF  
The Judge Advocate General

## **Attachment 1**

### **MEASURING COMPLIANCE WITH POLICY**

**A1.1.** Compliance with policies regarding Article 138, UCMJ, will be assessed by reviewing deficiency reports which shall be provided to The Judge Advocate General (HQ USAF/JA) on a semiannual basis on or before 1 February and 1 August **Figure A1.1.**

**A1.2.** The General Law Division, HQ USAF/JAG, will compile deficiency information from the complaint files reviewed by that office. The report will identify complaints filed which were not properly acted on by the general court-martial convening authority (GCMCA). This consists of cases where the GCMCA failed to grant warranted redress, and cases returned to the GCMCA because insufficient inquiries were conducted into the underlying complaints **Figure A1.2.**

**A1.3.** Failures to grant warranted relief will be assessed by identifying cases where the GCMCA could have granted relief, did not, but relief was subsequently granted by the Secretary of the Air Force.

**A1.4.** Semiannual reports will be prepared for the calendar year. The second semiannual report for each year will also be an annual report and will include information about the second 6 months of each calendar year as well as cumulative information for the entire calendar year.

**A1.5.** The reports will not require collection of information from major commands or field operating agencies. All Article 138 complaints acted on by a GCMCA are reviewed by HQ USAF/JAG. HQ USAF/JAG files contain all information necessary to prepare the report.

**A1.6.** The reports will be prepared by the Air Force General Law Division in the format provided in **Figure A1.2.** measuring total complaints received at HQ USAF/JAG and total cases returned for deficiencies for each reporting period.

**Figure A1.1. Sample Article 138 Deficiency Report.**

HQ USAF/JAG

(Semiannual) (Annual) Report on Article 138, UCMJ Complaints

HQ USAF/JA

1. This report is required by AFPD 51-9, *Civil Law for Individuals*, and measures compliance with policies for resolving Article 138, UCMJ, complaints. It covers complaints reviewed for the Secretary of the Air Force during the period

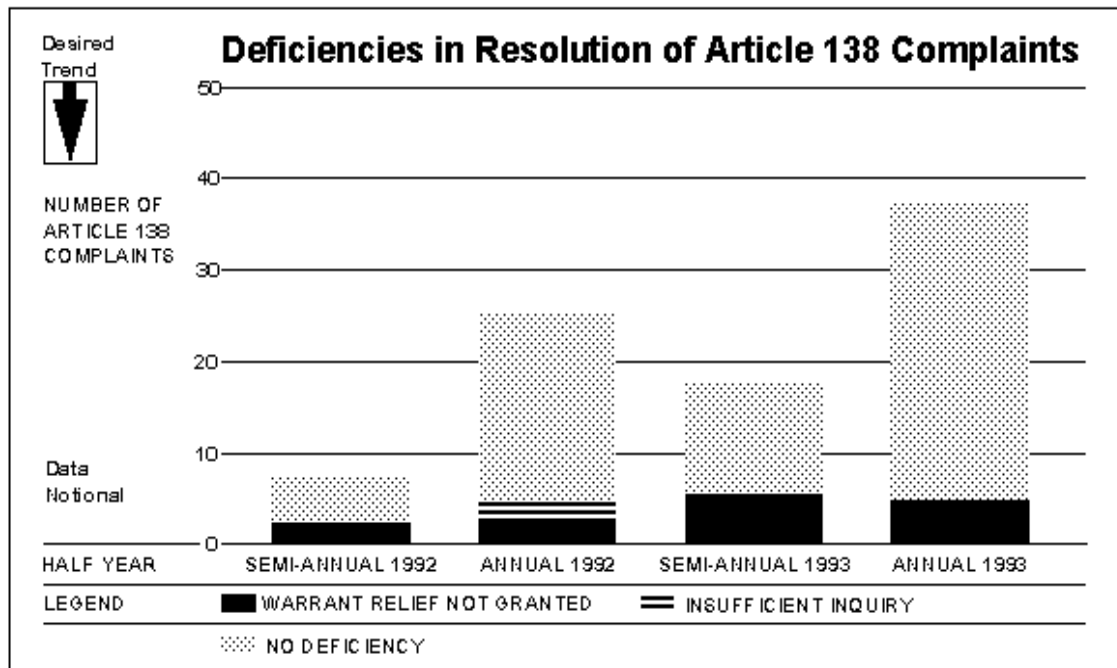
---

<u>2. Article 138 Complaints Reviewed</u>	<u>Semiannual</u>	<u>Annual</u>
a. Total complaints reviewed.	X	X
b. Relief granted by general court-martial authority (GCMCA). No further relief warranted.	X	X
c. Relief granted by HQ USAF/JAG but not GCMCA where GCMCA had authority to do so.	X	X
d. Relief granted by HQ USAF/JAG in addition to that granted by GCMCA.	X	X
e. Complaints returned to GCMCA due to insufficient inquiry.	X	X
3. Other pertinent information.		

Chief, General Law Division  
Office of The Judge Advocate General

1 Attachment  
Graph, Deficiencies

**Figure A1.2. Sample Metric of Deficiencies in Resolution of Article 138 Complaints.**



## **Attachment 2**

### **RELATED LAWS AND DOD DIRECTIVES**

Title 2, United States Code, Section 441

Title 5, United States Code, Section 7342

Title 10, United States Code, Sections 938, 976, and 3401

Title 18, United States Code, Sections 592, 593, 594, 596, 602, 603, 606, 607 609, and 1382

DoD Directive 1005.13, *Gifts From Foreign Governments* October 13, 1988

DoD Directive 1325.6, With Changes 1 and 2, *Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces* September 12, 1969

DoD Directive 1344.10, *Political Activities by Members of the Armed Forces on Active Duty* June 15, 1990

DoD Directive 1354.1, *DoD Policy on Organizations That Seek to Represent or Organize Members of the Armed Forces in Negotiation or Collective Bargaining* November 25, 1980

### **Attachment 3**

#### **IMPLEMENTING AFIS**

AFI 51-901, *Gifts From Foreign Governments* (formerly AFR 11-27)

AFI 51-902, *Political Activities of Members of the US Air Force* (formerly AFR 110-2)

AFI 51-903, *Dissident and Protest Activities* (formerly AFR 35-15)

AFI 51-904, *Complaints of Wrongs Under Article 138 UCMJ*, (formerly AFR 110-19)

AFI 51-905, *Use of Magistrates for Trial of Misdemeanors Committed by Civilians* (formerly AFR 110-15)

AFI 51-906, *Representational and Organizational Activities of Military Personnel* (formerly AFR 30-24)